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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA

MICHAEL LAVINE,

Plaintiff,

vs.

VALOR SECURITY SERVICES, INC., a  
Georgia Corporation,

Defendant.

Case No.: 2:14-cv-01591-JCM-NJK

**DEFENDANT'S REQUEST FOR  
EXEMPTION FOR INSURANCE  
CARRIER TO ATTEND EARLY  
NEUTRAL EVALUATION SESSION**

Pursuant to LR- 16.6(e), Defendant, Mydatt Services, Inc. d/b/a Valor Security Services (incorrectly named as Valor Security Services, Inc.)<sup>1</sup> ("Defendant"), by and through its undersigned counsel, hereby submits this request that Defendant's insurance carrier representative be exempted from attending the Early Neutral Evaluation Session ("ENE") in person, and requests, to be present telephonically for the duration of the ENE.

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<sup>1</sup> Valor Security Services, Inc. was administratively dissolved in 2005. As such, no such entity exists and Plaintiff has named a non-existent legal entity.

1 Pursuant to the Order Scheduling the ENE (Dkt. #9), this case has been referred to the  
2 Honorable Peggy A. Leen, United States Magistrate Judge, to conduct an ENE in Las Vegas,  
3 Nevada on March 20, 2015, at 9:30 a.m. Pursuant to the Court's Order, where a party is subject to  
4 coverage by an insurance carrier, a representative of the insurance carrier, with authority to settle  
5 the matter up to the full amount of the claim, must attend the ENE in addition to a party  
6 representative. Defendant is subject to coverage by an insurance carrier. However, Bill Stejskal,  
7 Senior Vice President of Human Resources will be present at the March 20, 2015 ENE.

8 In-person attendance by the insurance carrier is not necessary, as not having the claims  
9 representative present will not inhibit or limit the parties' ability to negotiate or reach a potential  
10 settlement because the retention threshold on the relevant insurance policy, which is above six  
11 figures, far exceeds the amount of Plaintiff's claims. Based upon the allegations contained in  
12 Plaintiff's Complaint, the economic damages in this case are less than the six figure retention  
13 threshold. Additionally, Plaintiff's opening demand is within Defendant's Self Insured Retention  
14 ("SIR"). Accordingly, although it is unclear what exactly constitutes the "full amount of the  
15 claim" at this time, it does not appear that the full amount of the claim will come close to the above  
16 six figure retention amount. Because the full amount of this claim will likely not reach the  
17 insurance retention threshold, to the extent a settlement is reached, the insurance carrier would not  
18 be responsible or obligated to contribute to any such settlement. Accordingly, in-person  
19 attendance by an insurance representative is not necessary in this case.

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1 Mr. Stejskal will be at the ENE and have binding authority to settle the matter on behalf of  
2 Defendant. Accordingly, Defendant believes that it would be unnecessary to have an insurance  
3 representative required to attend in person and requests that the Court permit the same.

4 Dated this 5<sup>th</sup> day of March, 2015.

5 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.

6  
7 /s/ Dana B. Krulewitz

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16 *Attorneys for Defendant*

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18 IT IS SO ORDERED this 10th day  
19 of March, 2015.

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22 Peggy A. Leen

23 United States Magistrate Judge  
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